

MESSAGE NO: 5264309

MESSAGE DATE: 09/21/2015

MESSAGE STATUS: Active

CATEGORY: Countervailing

TYPE: LIQ-Liquidation PUBLIC ☒

NON-PUBLIC ☐

SUB-TYPE: OUTSCO-Out of Scope

FR CITE:

FR CITE DATE:

REFERENCE
MESSAGE #
(s):

CASE #(s): C-570-968

EFFECTIVE DATE: 09/07/2010

COURT CASE #:

PERIOD OF REVIEW:

TO

PERIOD COVERED:

TO

TO: { Directors Of Field Operations, Port Directors }

FROM: { Director AD/CVD & Revenue Policy & Programs }

RE: Countervailing duty scope determination on aluminum extrusions from the People's Republic of China (C-570-968).

Notice of the lifting of suspension occurred on the message date of these instructions. See paragraph 5 below.

1. Commerce received a scope ruling request from Ace Hardware Corporation (Ace). Commerce issued a final scope determination on 09/03/2015 that Ace's Telescoping Extension Poles, which Ace imports, are not within the scope of the countervailing duty order on aluminum extrusions from the People's Republic of China (C-570-968).

2. Commerce determined that Ace's Telescoping Extension Pole models listed below are outside the scope of the order because they meet the criteria of the finished merchandise exclusion. The following models, which are grouped into two families, are excluded from the scope pursuant to this scope ruling:

Family 1: This family includes one inch diameter Telescoping Extension Poles composed of both inner and outer tubes of extruded aluminum. The Telescoping Extension Poles also include a polypropylene (PP) locking collar, a PP handle, and a zinc alloy universally threaded tip. The model numbers associated with the Telescoping Extension Poles in different lengths within this family are as follows:

- 1312024: Two feet extending to four feet
- 1312198: Three feet extending to six feet
- 1312651: Four feet extending to eight feet
- 1312743: Six feet extending to twelve feet

Family 2: This family includes one and a quarter inch diameter Telescoping Extension Poles that are composed of an inner tube of extruded aluminum and an outer tube of fiberglass. In addition to the inner tubes and outer tubes, each model includes an Acrylonitrile Butadiene Styrene (ABS) or PP plastic locking collar, a Thermoplastic Rubber (TPR) handle, and a zinc alloy universally threaded tip. The model numbers associated with the Telescoping Extension Poles of

different lengths within this family are as follows:

- 1560630: Three feet extending to six feet
- 1312461: Four feet extending to eight feet
- 1312438: Six feet extending to twelve feet
- 1312404: Eight feet extending to sixteen feet
- 1312396: Eight feet extending to twenty-four feet (this model is composed of 2 inner tubes of extruded aluminum)

As finished merchandise, the Telescoping Extension Poles identified above may be imported as parts that are fully and permanently assembled and completed at the time of entry and comprised of both extruded aluminum (e.g., extruded aluminum extension poles of series 6063 aluminum) and non-extruded aluminum components (e.g., PP locking collar and handle, and zinc alloy universally threaded tip), which go beyond mere fasteners. Therefore, both families of Ace's Telescoping Extension Poles are not within the scope of the countervailing duty order on aluminum extrusions from the People's Republic of China.

3. For all entries of Ace's Telescoping Extension Poles not within scope that remain unliquidated on or after 09/07/2010, CBP shall terminate suspension and liquidate entries of product not within scope which were entered, or withdrawn from warehouse, for consumption.

4. Refund any cash deposits and release any bonds relating to Ace's Telescoping Extension Poles described above.

5. These instructions constitute notice of the lifting of suspension of liquidation of entries of Ace's Telescoping Extension Poles entered, or withdrawn from warehouse, for consumption on or after 09/07/2010.

6. The assessment of countervailing duties by CBP on shipments or entries of this merchandise is subject to the provisions of section 778 of the Tariff Act of 1930, as amended. Section 778 requires that CBP pay interest on overpayments or assess interest on underpayments of the required amounts deposited as estimated countervailing duties. The interest provisions are not applicable to cash or bonds posted as estimated countervailing duties before the date of publication of the countervailing duty order. Interest shall be calculated from the date payment of estimated countervailing duties is required through the date of liquidation. The rate at which such interest is payable is the rate in effect under section 6621 of the Internal Revenue Code of 1954 for such period.

7. Unless instructed otherwise, for all other shipments of aluminum extrusions from the People's Republic of China not covered by paragraph 2 above, you shall continue to collect cash deposits of estimated countervailing duties for the merchandise at the current rates.
8. If there are any questions by the importing public regarding this message, please contact the Call Center for the Office of AD/CVD Operations, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce at (202) 482-0984. CBP ports should submit their inquiries through authorized CBP channels only. (This message was generated by OVI:DF.)
9. There are no restrictions on the release of this information.

Sherri L. Hoffman

Company Details

*Party Indicator Value:

I = Importer, M = Manufacturer, E = Exporter, S = Sold To Party